

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)
v.) CRIMINAL NO. 04-10291-RGS
MAURICE DUBOSE)

DEFENDANT'S MOTION TO CONTINUE TRIAL

Defendant, Maurice Dubose, hereby moves that the trial in this matter, presently scheduled to begin on March 14, 2005, be continued to a date convenient to the Court but no sooner than April 11, 2005. As reasons for this motion, defendant's counsel states the following:

1. This case was redrawn to this session on February 9, 2005 as a result of Judge Saris's inability to guarantee a date certain for trial because of several previously scheduled lengthy trials.
2. On February 11, 2005 this Court scheduled trial in this matter for March 14, 2005.
3. Counsel is to begin trial next Monday, March 7, 2005, in United States v. Nick DiGirolamo, et.al., No. 03-10072-RCL. Originally a five co-defendant case, the DiGirolamo matter is over two years old. Developments within the past two weeks called into question whether the matter would be ready to be trial on March 7, 2005. Those developments have been resolved and the case is ready for trial of two of the remaining co-defendants, including undersigned counsel's client, John Geezil. The government has indicated that it expects trial in the DiGirolamo matter to last two weeks.
4. Even were the DiGirolamo matter to last just one trial week, counsel would be unprepared to immediately begin trial in the instant matter. The DiGirolamo matter involves a somewhat complex extortion conspiracy; counsel expects that the trial will require significant work outside of trial hours. Counsel will thus be unable to attend, in any

significant way, to witness and exhibit review and preparation in this matter.

5. Moreover, the Federal Defender Office generally is preparing for attorney Leo Sorokin's imminent departure from the office to take an appointment as Magistrate Judge. This includes the reassignment of a case set for trial before Judge Zobel in United States v. Jack Calvin, No. ???-????-RWZ, a two-week trial scheduled to begin on March 28, 2005. Calvin involves three co-defendants and trial has been continued previously because of scheduling conflicts. Because of the age of the case and difficulty in rescheduling the trial, Judge Zobel recently denied the Federal Defender Office's motion to continue trial in that matter. The undersigned is one of only two attorneys in the office who are available to try the case during those two weeks. Should undersigned counsel - either alone or in conjunction with a colleague at the Federal Defender Office - take on the Calvin matter, it will require substantial periods of counsel's time between the end of the DiGirolamo matter and the commencement of the Calvin matter on March 28, 2005.
6. For the foregoing reasons, counsel for defendant requests that this Court continue the trial to a date convenient to the Court, but no sooner than April 11, 2005.
7. Defendant agrees that, should the Court allow this motion, the time commencing March 28, 2005 and ending on the date of the rescheduled trial is excludable time for purposes of the Speedy Trial Act as the continuance is in the interests of justice.

MAURICE DUBOSE
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